REMARKS

Claims 37, 38, 40-43, 45-55, 58-61 and 65-69 are pending in the application. Claims 60 and 61 are objected to, but would be allowable if rewritten in independent form. Claim 59 has been rewritten include subject matter of claim 60; it is submitted that claim 59 and 61 are now in condition for allowance. In view of the foregoing, claim 60 has been cancelled without prejudice.

Independent claims 37, 48 and 65 have been amended to more distinctly claim the boundary which contains each of the alignments hole(s) relative to the two surrounding immediately adjacent peg holes of the alignment hole. First, the claim defines the orientation of the peg holes along the head of the plate. The adjacent peg holes extend in a medial-lateral direction which is transverse to the proximal-distally extending longitudinal axis passing through the elongate shaft or body of the plate. Second, as shown with reference to at least new Fig. 3A (which is an enlargement of the distal portion of prior Fig. 3 with the below identified reference lines), the claimed boundary about the alignment hole has a border defined by (1) a tangent T_1 to a proximalmost point on the circumferences of the two immediately adjacent peg holes, (2) a tangent T_2 to a distalmost point on the circumferences of the two immediately adjacent peg holes, (3) a tangent T_3 to a lateralmost point on a circumference of a medialmost of said two immediately adjacent peg holes, and (4) a tangent T_4 to a medialmost point on a circumference of a lateralmost of said two immediately adjacent peg holes. This border contains an alignment hole that is displaced relative to the peg holes in a different configuration than shown or suggested by the prior art.

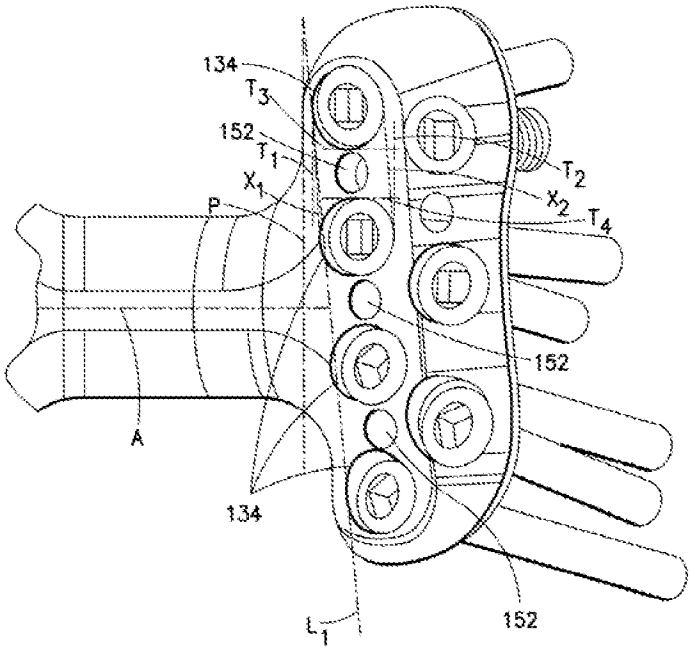


FIG.3A

Alternatively, support is shown in at least new Fig. 3A for defining the proximal and distal boundary lines as follows: a line (shown as X_1) extending between the proximalmost points on the circumferences of the two immediately adjacent peg holes and a line (shown as X_2) extending between the distalmost points on the circumferences of the two immediately adjacent peg holes.

The Specification has been amended to include reference to lines T_1, T_2, T_3, T_4, X_1, and X_2, and reference new Fig. 3A. While the reference lines T_1, T_2, T_3, T_4, X_1, and X_2 have been shown with respect to a particular alignment holes and medial-laterally surrounding peg holes, it is evident from the Specification and Figures that the reference

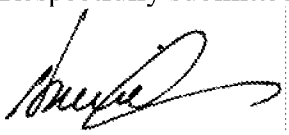
lines are applicable to other peg holes and alignment holes located therebetween. No new matter has been added.

Weaver fails to teach or suggest the claimed configurations. The 'alignment' holes identified by the Examiner in Weaver are not within the defined border, nor is there any incentive to position them thereat.

Wack also fails to teach or suggest the claimed configurations. In Wack, portions of the so-called 'alignment' holes are positioned distal to a distal tangent of the screw holes. They are not located **entirely** within the boundary defined by the claims because lines T_2 or X_2 would be positioned across the open space of the hole. There is no incentive to re-locate the holes in Wack in accord with the claimed limitations.

For the foregoing reasons it is submitted that the claims are in condition for allowance. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,



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